

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
SEAN FLYNN, :
:
Plaintiff, :
:
- against - : 18-CV-2686 (VSB) (OTW)
:
OPINION & ORDER
ANDREW M. SAUL, *Commissioner of Social* :
Security, :
:
Defendant. :
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Appearances:

Christopher James Boyes
Law Office of Christopher James Bowes, Esq.
Shoreham, New York
Counsel for Plaintiff

Susan Colleen Branagan
U.S. Attorney's Office for the Southern District of New York
New York, New York
Counsel for Defendant

VERNON S. BRODERICK, United States District Judge:

Plaintiff Sean Flynn moves against Defendant the Commissioner of Social Security for an award of attorney's fees pursuant to 42 U.S.C. § 406(b). (Doc. 29.) This matter was referred to Magistrate Judge Ona T. Wang, who issued an unopposed report and recommendation (the "Report and Recommendation") that the Social Security Administration approve a payment of \$43,250.00 to the Law Offices of Christopher J. Bowes, Esq., and that upon receipt of payment, Christopher J. Bowes, Esq., promptly refund \$7,000.00 to Plaintiff. (Doc. 37.) Having reviewed Report and Recommendation, I ADOPT it in its entirety.

In reviewing a magistrate judge's report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate

judge.” 28 U.S.C. § 636(b)(1). Parties may raise specific, written objections to the report and recommendation within 14 days of being served with a copy of the report. *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). When a party submits a timely objection, a district court reviews de novo the parts of the report and recommendation to which the party objected. 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3). When neither party submits an objection to a report and recommendation, or any portion thereof, a district court reviews the report and recommendation for clear error. *Santana v. Comm'r of Soc. Sec.*, 17-CV-2648 (VSB) (BCM), 2019 WL 2326214, at *1 (S.D.N.Y. May 30, 2019); *Marte v. Berryhill*, 17-CV-3567 (VSB) (JLC), 2018 WL 5255170, at *1 (S.D.N.Y. Oct. 22, 2018); *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008); *Wilds v. United Parcel Serv., Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

Judge Wang notified the parties that pursuant to “28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have fourteen (14) days (including weekends and holidays) from receipt of this Report to file written objections.” (Doc. 37 at 4.) The Report and Recommendation was issued on March 17, 2023, and objections were due by March 31, 2023. No party objected to the Report and Recommendation. Accordingly, I have reviewed Judge Wang’s thorough and well-reasoned Report for clear error and, after careful review, found none. Accordingly, I ADOPT the Report in its entirety. The Social Security Administration shall approve a payment of \$43,250.00 to the Law Offices of Christopher J. Bowes, Esq. Upon receipt of payment, Christopher J. Bowes, Esq., shall promptly refund \$7,000.00 to Plaintiff.

The Clerk of Court is further respectfully directed to close the motion at Doc. 29.

SO ORDERED.

Dated: April 6, 2023
New York, New York



Vernon S. Broderick
United States District Judge